

# Court of Appeals, State of Michigan

## ORDER

People of MI v Gary Louis Singer

Docket No. 282795

LC No. 05-009914-FH

Karen M. Fort Hood  
Presiding Judge

Helene N. White

Christopher M. Murray  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court VACATES the trial court's December 17, 2007 opinion and order denying defendant's motion to withdraw his guilty plea or resentencing and remand for resentencing. The plea agreement was not formally reduced to a writing, but the statements at the guilty plea stage indicated that restitution credits would be allowed for payment by other defendants. However, irrespective of any plea agreement, the trial judge retains the freedom to choose a different sentence. *People v Williams*, 464 Mich 174, 177; 626 NW2d 899 (2001). On remand, the court shall determine whether it would be appropriate to impose a sentence consistent with the statements made at the guilty plea stage. If the court does not follow the recommendation or if the disparity between the oral statements and the memorandum regarding the plea indicates that there was no plea agreement, it shall give the defendant the opportunity to withdraw his plea of guilty. We do not retain jurisdiction. In all other respects, leave to appeal is DENIED for lack of merit in the grounds presented.

Judge Murray would deny the application for leave to appeal. / /



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 28 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk